

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

5690 Ironwood Court, Apartment C, Columbus, Ohio 43229

Case No. 2:22-mj-159

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A to the Affidavit in Support of the Application, incorporated herein by reference.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

See Attachment B to the Affidavit in Support of the Application, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm

The application is based on these facts:

See attached Affidavit, incorporated herein by reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Matthew Behnfeldt
 Applicant's signature

Matthew Behnfeldt ATF SA
 Printed name and title

Sworn to before me and signed in my presence.

Date: 3/9/2022

City and state: Columbus, Ohio

Chelsey M. Vascara
 Judge's signature

U.S. Magistrate Judge Chelsey M. Vascara
 Printed name and title



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

IN THE MATTER OF THE SEARCH OF
5690 IRONWOOD COURT,
APARTMENT C, COLUMBUS, OHIO
43229

Case No. 2:22-mj-159

Filed Under Seal

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

1. I, Matthew Behnfeldt, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

2. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 to authorize law enforcement to search the premises known as 5690 Ironwood Court, Apartment C, Columbus, Ohio 43229 (“**SUBJECT PREMISES**”), further described in Attachment A, for the items described in Attachment B.

3. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearm and Explosives (“ATF”), and have been since November of 2016. I am currently assigned to the Columbus, Ohio Field Office as a member of the Crime Gun Enforcement Team (“CGET”) Task Force. As part of my duties as an ATF Special Agent, I investigate criminal violations relating to federal firearms offenses, including the unlawful possession of firearms and ammunition by individuals who have been convicted in any court, of a crime punishable by imprisonment for a term exceeding one year. I have participated in numerous investigations of criminal violations relating to illegal firearms possession, firearms trafficking and shooting investigations. I am familiar with and have utilized multiple investigative methods, including electronic surveillance, visual surveillance, search warrants, and the utilization of GPS/E-911 data.

4. Pursuant to 18 U.S.C. § 3051, I am empowered to enforce criminal laws of the United States. As result of my training and experience, I am familiar with federal laws including 18 U.S.C. § 922(g)(1), which states: “It shall be unlawful for any person who . . . has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.”

5. I know based on my training and experience that individuals who possess firearm and ammunition, as felons or otherwise, often possess other items commonly used or acquired in connection with the possession of firearms and ammunition. Some of these items include, but are not limited to, other firearms, firearm parts, additional ammunition, firearm receipts, firearms brochures or owner’s manuals, records of sale or acquisition of firearms, firearms magazines, and holsters.

6. I know based on my training and experience that individuals who possess the above-described items (i.e., firearms, ammunition, and other items commonly used or acquired in connection with the possession of firearms and ammunition), as felons or otherwise, often store those items—including firearms and ammunition—in their homes or cars, so that the firearms and ammunition are easily accessible. I also know that firearms are durable and non-perishable goods, which can be expected to remain in the individual’s possession for extended periods of time.

7. I know based on my training and experience that individuals who possess firearms and ammunition, as felons or otherwise, frequently utilize cell phones to take photographs and videos of themselves in possession of firearms and ammunition. These same individuals also utilize cellphones, to include calls, texts, and social media applications, to arrange the purchase

and sale of firearms, ammunition, and/or accessories, as well as to document their purchase of the firearms, ammunition, and/or accessories.

8. I also know based on my training and experience that “cell phones and the services they provide are ‘such a pervasive and insistent part of daily life’ that carrying one is indispensable to participation in modern society.” *Carpenter v. United States*, 138 S. Ct. 2206, 2220 (citing *Riley v. California*, 573 U. S., at ___, 134 S. Ct. 2473, 2484 (2014)). In addition, I know based on my training and experience that, for the above-described reasons, individuals carrying a cell phone often take their phone wherever they go. For that reason, cell phones often contain valuable information related to criminal investigations, such as where the suspect of a crime might have been located at the time of a given crime in question, with whom a suspect of a crime might have been communicating at or around the time of a given crime in question, and what a suspect of a crime might have said during such communications.

9. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

10. Based on the above, and on the additional facts set forth in this affidavit, there is probable cause to believe that on or about January 30, 2022, **JONNELLE RUSHTON**, a convicted felon, did knowingly and intentionally possess a firearm and ammunition which traveled in and affected interstate commerce, in violation 18 U.S.C. § 922(g)(1). Furthermore, there is also probable cause to search the **SUBJECT PREMISES**, located at 5690 Ironwood Court, Apartment C, Columbus, Ohio 43229, for evidence, instrumentalities, or fruits of these crimes as further described in Attachment B.

II. PROBABLE CAUSE

11. In or around February 2022, investigators with the ATF CGET Task Force became aware of **RUSHTON**, by a National Integrated Ballistic Information Network (“NIBN”) analysis as to matching shell casings from two shootings, as detailed further below. Your affiant initiated a query of the National Crime Information Center (“NCIC”) and the Franklin County Common Pleas Clerk of Court website regarding **RUSHTON**. This query revealed that on or about October 25, 2012, **RUSHTON** pled guilty to Burglary, a felony of the 3rd degree, in the Franklin County Court of Common Pleas. Furthermore, the query revealed that on or about November 21, 2012, **RUSHTON** was sentenced to thirty (30) months of incarceration under Intensive Gang Violence Prevention Supervision through the Franklin County Department of Community Control.

A. NIBIN Lead

12. Your affiant has reviewed a NIBN lead related to **RUSHTON** that was provided by the ATF National Correlation Center.¹ After a review of this lead, your affiant found that two shooting incidents were linked by recovered 9-millimeter shell casings, which casings are believed to have been fired by the same 9-millimeter pistol. Your affiant has been notified by the ATF NIBIN Mobile Unit that this pistol has not yet been recovered by the ATF or the Columbus Police Department (“CPD”). As explained below, these incidents occurred on or about December 12, 2021, and on or about January 30, 2022. All of the above occurred in the city of Columbus, Ohio.

13. By way of summary regarding the first incident that occurred on or December 12, 2021, CPD Officers were dispatched to 1717 Sandalwood Place, Columbus, Ohio 43229 for a

¹ Your affiant knows that the Columbus Police Department and ATF CGET Task Force routinely enter expended shell casings, located and collected from shooting scenes, into the NIBN database. Additionally, your affiant knows that the Columbus Police Department and ATF CGET Task Force also enter the test fires of recovered firearms into NIBIN. NIBIN uses ballistic imaging technology to link these cartridges to a specific firearm.

gunshot-fired call. Upon arrival, CPD Officers located (1) spent 9-millimeter shell casing bearing the initials “FC” on the headstamp, as depicted below. No firearm was recovered.



NIBIN Image of Shell Casing Collected by CPD on or about December 12, 2021

14. The second incident occurred on or about January 30, 2022. In summary, CPD officers were dispatched to 2283 Blackoak Ave., Columbus, Ohio 43229 for a domestic violence call involving a pistol. Upon arrival, officers were notified by the victim/witness that they were engaged in an altercation during which **RUSHTON** pushed the victim/witness down the stairs of the home. It is reported that **RUSHTON** could be heard telling his children, “Haha your mommy’s dead.” The victim/witness stated that **RUSHTON** then exited the home, aimed a firearm at the victim/witness’ vehicle and fired two (2) rounds before driving away in a white Buick Century. It is reported that CPD Officers located two (2) spent 9-millimeter shell casings bearing the initials “FC” on the headstamp, as depicted below. Based upon NIBN analysis of the above-described shell casings, the investigation has indicated a strong likelihood that the same firearm discharged the shots related to the incident on December 12, 2021, and January 30, 2022.



NIBIN Image of Shell Casing Collected by CPD on or about January 30, 2022

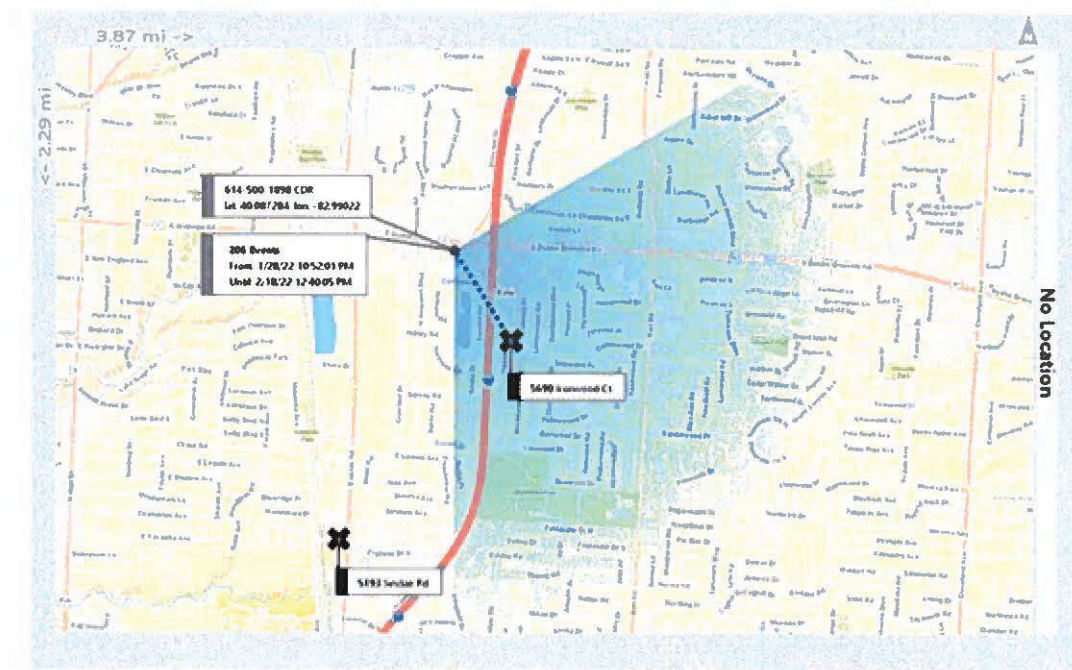
15. Your affiant has reviewed photographs of these spent shell casings and, based on your affiant's training and experience, your affiant recognizes the headstamps to match the characteristics of ammunition manufactured by Federal Ammunition. Additionally, your affiant has learned from an ATF Agent trained to determine the interstate nexus of firearms and ammunition that Federal Ammunition is not manufactured in Ohio.

B. State Search Warrant

16. Investigators sought to obtain additional information with regard to **RUSHTON's** whereabouts, as well as additional information that might aid in the ongoing investigation regarding **RUSHTON**. A query of the Columbus Police Department's Premier One database indicated that the listed phone number for **RUSHTON** was (614) 500-1898, which corresponds to the **SUBJECT DEVICE**. Additionally, investigators conducted a query of the listed phone number utilizing the open-source database Transunion TLOxp. The results found that the **SUBJECT DEVICE** utilizes Aerial Communications Inc. (T-Mobile) as its service provider and named **RUSHTON** as the above-described **SUBJECT DEVICE** cellular telephone number's current subscriber. On or about February 18, 2022, the Franklin County Court of Common Pleas issued a state search warrant for Call Detail Records ("CDR"), subscriber information, and GPS/E-

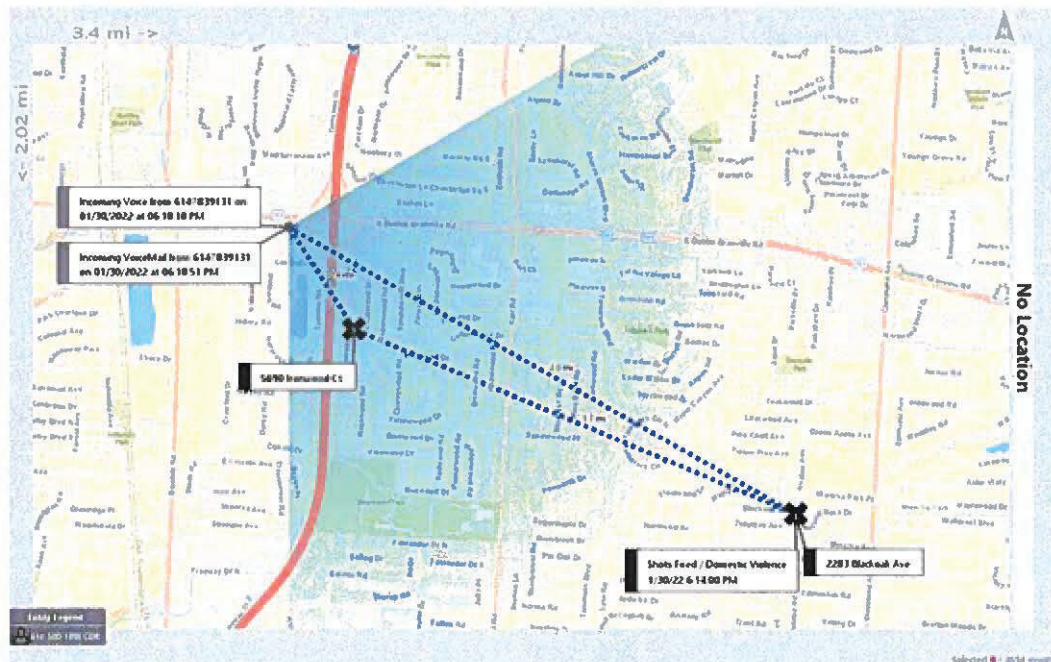
911 precision location information, as well as information related to a pen register for the **SUBJECT DEVICE**, with an assigned call number of (614) 500-1898.

17. Based upon the warrant returns related to the above-described warrant, investigators have since conducted a review of the Historical Call Detail Records, which included cell site location data related to the **SUBJECT DEVICE**. Investigators found that, from on or about January 28, 2022, through on or about February 18, 2022, 206 of 487 Call Detail Records utilized a cell cite and cell site sector located approximately .4 miles away from the **SUBJECT PREMISES**, as depicted below. Your affiant knows from training and experience that such data is indicative of **RUSHTON** having a close affiliation with the **SUBJECT PREMISES**, likely as **RUSHTON's** home.



18. Additionally, your affiant has found that on or about January 30, 2022, at approximately 6:18 p.m., approximately 4 minutes following the above-mentioned domestic violence call at 2283 Blackoak Ave., the **SUBJECT DEVICE** received an incoming telephone call. It has been determined that the utilized cell site and cell site sector for this call detail record

is approximately .4 miles away from the **SUBJECT PREMISES**, as depicted below. The investigation has shown that the **SUBJECT PREMISES** and 2283 Blackoak Ave. are approximately two miles away from each other, which is an approximately six-minute car ride.



C. Surveillance/Trash Pull

19. On or about February 21, 2022, CGET Task Force Officer (“TFO”) Jeffrey Kasza conducted a License Plate Reader (“LPR”) query of Ohio License Plate “HWW 8788,” a white Buick Century owned and operated by **RUSHTON**. It was found that the above-listed license plate was captured by LPR technology in the general area of the **SUBJECT PREMISES**. On this same date, TFO Kasza initiated surveillance of the area located near the aforementioned address and at approximately 12:55 p.m., located **RUSHTON**’s vehicle parked in front of the **SUBJECT PREMISES**, in the Wellington Square Apartments.

20. At approximately 1:06 p.m. on or about February 21, 2022, TFO Kasza observed **RUSHTON** exit the **SUBJECT PREMISES** and place multiple items in a trash receptacle located in front of the apartment. Furthermore, **RUSHTON** was observed entering the driver’s-side

compartment of the white Buick Century and traveling to the business located at 5193 Sinclair Rd., Columbus, Ohio 43229. TFO Kasza eventually observed **RUSHTON** enter the business and surveillance was terminated shortly thereafter.

21. On or about February 28, 2022, your affiant conducted surveillance with the aid of the above-mentioned GPS/E-911 data. At approximately 7:45 a.m. on or about the above-noted date, GPS/E-911 data placed **RUSHTON's** cellular device in the approximate area of 5690 Ironwood Court. At this time, your affiant relocated to 5690 Ironwood Court and observed **RUSHTON's** vehicle parked near the entrance of the **SUBJECT PREMISES**. At approximately 10:47 a.m., your affiant observed an unidentified female exit the residence and place several items of waste into the trash receptacle located immediately adjacent to the door of the **SUBJECT PREMISES**. At approximately 10:50 a.m., your affiant observed the unidentified female transport the trash receptacle from the entrance of the **SUBJECT PREMISES** to the publicly accessible street. Surveillance was terminated shortly thereafter.

22. On or about March 1, 2022, CGET investigators traveled to the **SUBJECT PREMISES** and successfully conducted a trash pull. The results of the operation located miscellaneous U.S. Mail in the name of **Jonnelle RUSHTON** (addressed to 2283 Blackoak Ave., Columbus, OH, the location of the domestic violence from January 30, 2022) and one (1) clear plastic baggie containing a small amount of suspected marijuana.

23. On or about March 2, 2022, CGET Investigators conducted surveillance with the aid of the above-described GPS/E-911 data. At approximately 7:15 a.m. on the above-noted date, GPS/E-911 data placed **RUSHTON's** cellular device in the approximate area of 5690 Ironwood Court. At this time, TFO Kasza relocated to 5690 Ironwood Court and observed **RUSHTON's** vehicle parked directly in front of the **SUBJECT PREMISES**.

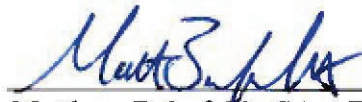
24. At approximately 7:46 a.m. on the above-noted date, TFO Kasza witnessed **RUSHTON** exit the front door of **SUBJECT PREMISES** and enter the driver's-side compartment of his white Buick Century bearing Ohio Tags "HWW 8788." Shortly thereafter, TFO Kasza observed **RUSHTON** exit the location in his vehicle.

25. At approximately 7:50 a.m. on the above-noted date, your affiant relocated to the business located at 5193 Sinclair Road, Columbus, Ohio based on information gained from prior surveillance operations. At approximately 7:56 a.m. on the above-noted date, your affiant witnessed **RUSHTON** arrive, exit his vehicle, and enter the business located at the aforementioned address.

26. At approximately 8:00 a.m. on the above-noted date, the above-described GPS/E-911 data placed **RUSHTON's** cellular device in the approximate area of 5193 Sinclair Road, thus confirming **RUSHTON's** possession of the cellular device.

27. Based on the totality of the facts and circumstances described above, your affiant respectfully submits that probable cause exists that **RUSHTON**, a convicted felon, did knowingly and intentionally possess a firearm and ammunition, said firearm and ammunition having travelled in interstate commerce, in violation of Title 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm or Ammunition. Furthermore, you affiant respectfully submits that probable cause exists that evidence of 18 U.S.C. § 922(g)(1) including items listed in Attachment B, will be found at the **SUBJECT PREMISES**.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Matt Behnfeldt", written over a horizontal line.

Matthew Behnfeldt, SA ATF

Sworn to via telephone on this 9th day of March 2022
after submission by reliable electronic means.
Fed.R.Crim.P. 4.1 and 41(d)(3).

A handwritten signature in blue ink, appearing to read "Chelsey M. Vascara", written over a horizontal line.

CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE

Attachment A

Places to be Searched

5690 Ironwood Court, Apartment C, Columbus, Ohio 43229 is a two (2) story, multi-family structure located on the Northeast cul-de-sac of Ironwood Court, which is south of Route 161 and east of Interstate 71. The residence has a red brick façade with a small concrete pad leading to the front entrance. The front door is red in color. To the left of the front door is a black mailbox affixed to the structure. Above the red door is a letter “C.” Additionally, any vehicle located within the curtilage of 5690 Ironwood Court, Apartment C, specifically one (1) white Buick Century sedan bearing Ohio Tags “HWW 8788.”



Attachment B

Items to be Seized

1. Firearms and ammunition, as evidence related to potential violation(s) in violation of 18 U.S.C. § 922(g)(1).
2. Firearm parts, accessories, and items commonly used or associated with the possession of firearms, including conversion devices, ammunition, firearm magazines, and holsters.
3. Documents related to the purchases or transfer of firearms and ammunition.
4. Devices used to communicate with other individuals, including all stored electronic data on a cellular telephone assigned call number (614) 500-1898.
5. Items of identification and records that establish dominion and control of the premises, including, but not limited to, any form(s) of identification, residence keys, mail, envelopes, receipts for rent, bills, and photographs.